



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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Redwood Coast Medical Services
Attn: Deborah Lane
PO Box 1100
Gualala, CA 95445

Dear Redwood Coast Medical Services,

County staff has reviewed the information provided to the Board of Supervisors on July 3, 2018 and December 14, 2018 as it pertains to an "exemption" for the "helipad" located at the Redwood Coast Medical Services Gualala Clinic Facility and request for determination of consistency with the Mendocino County Airport Comprehensive Land Use Plan. In addition to the letter provided to the Board of Supervisors, in June 2018, County staff met with representatives of Redwood Coast Medical Services (RCMS) and was provided an extensive document detailing their opinion on a potential exemption from discretionary review for the Emergency Medical Services (EMS) Landing site (helicopter pad). This letter contains the Planning Division's response to the applicability of exemption for this facility and provides our final determination on this matter.

Staff agrees with RCMS that the use of an EMS Landing site does not require any authorization from the Planning Division; however, while the use of an area as an EMS Landing site may not require approval from the local jurisdiction, as soon as pavement was laid and the markings and lighting were installed the improvement became classified as "development" under the Coastal Act and Mendocino County Code (MCC) and required issuance of a Coastal Development Permit from the California Coastal Commission (as it was established prior to Mendocino County obtaining a Certified Local Coastal Program). The concept that the existing EMS landing site is unpermitted is supported by the County and Coastal Commission documentation on what the approval provided to the medical building in 1983 included, and specifically by the fact that the EMS landing site is located on a separate legal parcel than the medical building and the parcel which contains the EMS landing site was not noted in the approval. Staff welcomes submittal of evidence showing that a Coastal Development Permit from the California Coastal Commission was either not required or a waiver was granted or any other documentation demonstrating the EMS landing site was permitted properly. To date no such evidence has been provided other than a statement from a previous County planner stating that they believe "flat work" was exempt and a copy of assessor records noting a helipad existed, which is not an indication that proper permits were obtained. If the EMS landing site was left as an open field without anything constituting "development" associated with it then no discretionary permit would be required. That is not the case here.

Staff disagrees that the actual improvements proposed to the existing EMS landing site do not meet the definition of "development". This is because "development" also includes a change in the intensity of use of land. In reading the letter from the California Department of Transportation (Caltrans) Division of Aeronautics, dated January 3, 2017, it appears that the request for a heliport is necessary due to increased frequency in use of the current EMS landing site and the unpermitted lighting and markings that were installed at the site. This states to me that there is a projected increase in intensity of use on the land for this facility. Additionally, a heliport meets the definition of a Major Impact Facility (defined in MCC Section 20.320.070) and while an EMS landing site would not meet this definition, the change to a heliport would meet the criteria and thus be considered an intensification of use of the site or establishment of a new use. Further, since it has not been demonstrated that the existing EMS landing site was properly permitted, the "activity" that RCMS proposes must also include consideration of the improvements done to establish the EMS landing site. Inclusion of the improvements made to accommodate the existing EMS landing site further supports that this "activity" is a change in the intensity of use of land and included the placement or erection of solid materials in a permanent position, therefore the improvements, both existing and proposed, constitute "development".

RCMS has also suggested that the "activity" would be exempt under the Repair, Maintenance, and Utility

Hook-Up Exclusions from Permit Requirements (adopted by the California Coastal Commission on September 5, 1978). County staff has determined that these exemptions are not applicable to this project. The Exemptions are primarily afforded to existing permitted development and it has not been demonstrated that the development of the EMS landing site was done with proper permitting. Therefore, these exemptions are not applicable. Further, the Exemption cited in the letter from RCMS is only applicable to "the State Department of Transportation, or their equivalent conducted by local road departments..." (page 2 of the Repair, Maintenance and Utility Hook-Up Exclusions from Permit Requirements adopted by the California Coastal Commission on September 5, 1978) and therefore could not be utilized by RCMS.

Staff is unable to support the idea that the existing EMS landing site is a non-conforming structure because Mendocino County Code Section 20.480.005 (B) defines a non-conforming structure as "a structure which was lawfully erected prior to the effective date of the application of these regulations but which, under this Division, does not conform with the standards of yard spaces, height of structures, distance between structures, parking, etc., prescribed in the regulations for the zone in which the structure is located." It has not been demonstrated that the structure was lawfully erected. Therefore, unless evidence is provided that the structure was legally permitted County staff maintains that it is unpermitted and after-the-fact authorization is required.

Staff disagrees that the heliport is not required to obtain local land use approval from the Planning Division. Section 1.3.2 of the Mendocino County Airport Comprehensive Land Use Plan states that certain types of actions, including the proposal for any new heliport which requires a state airport permit must receive Airport Land Use Commission review prior to approval by the local jurisdiction (Mendocino County Planning Division). Staff fails to see how local land use approval is not required to construct a heliport since heliports meet the definition of a Major Impact Facility which is a specific land use type that is a conditional use in nearly all districts.

County staff previously laid out a path forward for RCMS and provided application forms and fee estimates for that process. The process quoted to RCMS is complicated in that the zoning district now applicable to the property, Gualala Planned Development (GPD), has very specific requirements and creates a burdensome situation for current landowners in the area. Both the GPD zoning district chapter (MCC Chapter 20.407) and the GPD land use classification discuss the comprehensive planning of the two large (40+ acre) commercial properties, designated under the Gualala Town Plan as GPD. One GPD district is located on the hillside east of Church Street, the second is on the Lower Mill site, east of Highway 1 and south of Old State Highway. The site in question is part of the area located on the hillside east of Church Street.

Both the GPD zoning district and GPD land use classification state that a Master Development Plan shall incorporate all contiguous land under one ownership within the GPD district into the Plan. However, Mendocino County allowed the subdivision and adjustment of a portion of this property in 1997/1998, resulting in four separate owners: Redwood Coast Medical Services (APNs 145-200-67 and 145-200-69), Coast Life Support District (APN 145-200-66), North Gualala Water Company (APN 145-200-70) and Bower Limited Partnership (APN 145-200-71). In 2002, Mendocino County went on to adopt the Gualala Town Plan including this provision for comprehensive planning on a property that had been broken up into separate ownerships. Timeline of events:

- Mid to late 1990s - development of the draft Gualala Town Plan began.
- September/October 1997 - CDMS 22-97 and CDB 62-97 were applied for to transfer 10 acres from then APN 145-200-05 into APN 145-200-13 and create 4 parcels (0.69 acres, 0.74 acres, 1.55 acres and 7.76 acres). It appears, as evidenced in the file and staff report, that Planning Staff at the time did not consider the impacts of the proposed division and boundary line adjustment on the then draft Gualala Town Plan. The Gualala Municipal Advisory Council (GMAC) made the only reference to the impact the division causes on the ability to create a cohesive master plan for the GPD properties. It appears no further consideration was made of the impact the adjustment and subdivision had on the Town Plan. Application was approved on February 4, 1998 and Parcel Map was signed on December 14, 1998.
- 2002 - Gualala Town Plan Adopted, still referencing development of a comprehensive plan for the two large (40+ acre) GPD properties (now broken up into smaller acreage).

The direct application of the GPD zoning district and land use classification results in a burdensome

situation for current owners in the area. The GPD district requires 50% of the total lot area for residential use and infrastructure, 10% of the lot area for visitor serving uses, and 10% of the lot area for residential activity space (open space/recreational facilities). As many of the parcels are currently developed with civic uses, application of these criteria would result in many of the existing parcels being non-compliant and unable to accommodate future civic use expansion. Therefore, in acknowledging this burdensome situation for RCMS, County staff in consultation with the California Coastal Commission worked out an appropriate path forward for RCMS so that they would not be required to provide a Master and Precise Development Plan prior to obtaining approval for the unpermitted EMS landing site and proposed heliport. The following solution was previously offered to RCMS to resolve the matter:

- RCMS would apply for an after-the-fact Coastal Development Use Permit for the helipad facility.
- Conditions would be placed on the Coastal Development Use Permit requiring that either (a) they submit a Master and Precise Development Plan within X number of years (we had initially suggested 2 years) or (b) they obtain a General Plan Amendment, Rezone and Local Coastal Program Amendment to remove the property from the GPD zoning district within X number of years (we also had initially suggested 2 years).

The path forward with Mendocino County for this activity is clear and unfortunately does have a cost associated with applying for these applications. Unfortunately, County staff is not in agreement that the proposed "activity" is exempt from permit requirements and maintains that the solution provided previously to RCMS is still the only option moving forward. County staff has reached out to California Coastal Commission staff to determine whether there may be a secondary path forward with the California Coastal Commission for RCMS to legalize the development and will advise RCMS of the results of that conversation.

With the current workload in the Planning Division, we do not have the ability to continue to review this same issue. As such, this is our formal and final determination on this matter. This determination is appealable pursuant to Mendocino County Code Section 20.544.010 within 10 calendar days.

Please do not hesitate to contact me should you have additional questions or require clarification on this letter.

Sincerely,


Julia Acker Krog
Chief Planner

Cc: Mendocino County Board of Supervisors
Carmel Angelo, CEO
Brent Schultz, Director of Planning and Building Services
Katharine Elliott, County Counsel
Matthew Kiedrowski, Deputy County Counsel